

Title Agency Monthly Report

For the month of January, 2011

License Renewal

Agy_ID	Name	Issue Date	Expiration Date	Lapse Date	Reactivation Date	Qualification
6475	EMPIRE LAND TITLE, INC	5/16/2002	1/31/2013			TE
16306	CORNERSTONE TITLE INSURANCE AGENCY	1/23/2007	1/31/2013			TS
9486	COTTONWOOD TITLE INSURANCE AGENCY	5/16/2002	1/31/2013			TE
9486	COTTONWOOD TITLE INSURANCE AGENCY	5/16/2002	1/31/2013			TMR
9486	COTTONWOOD TITLE INSURANCE AGENCY	5/16/2002	1/31/2013			TS
16243	CROSSLAND TITLE LLC	1/2/2007	1/31/2013			TE
6475	EMPIRE LAND TITLE, INC	5/16/2002	1/31/2013			TS
16306	CORNERSTONE TITLE INSURANCE AGENCY	1/23/2007	1/31/2013			TE
16243	CROSSLAND TITLE LLC	1/2/2007	1/31/2013			TS
16295	INVESTOR QUALITY TITLE LLC	1/16/2007	1/31/2013			TE
16295	INVESTOR QUALITY TITLE LLC	1/16/2007	1/31/2013			TS
6644	SURETY TITLE AGENCY	5/16/2002	1/31/2013			TE
6644	SURETY TITLE AGENCY	5/16/2002	1/31/2013			TS

Lapse Licenses

Agy_ID	Name	Issue Date	Expiration Date	Lapse Date	Reactivation Date	Qualification
7579	BRIGHTON TITLE COMPANY	5/16/2002	12/31/2010	12/31/201		TE
7579	BRIGHTON TITLE COMPANY	5/16/2002	12/31/2010	12/31/201		TMR
7579	BRIGHTON TITLE COMPANY	5/16/2002	12/31/2010	12/31/201		TS

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New License

Indv ID	Name	Issue Date	Expiration Date	Lapse Date	Reactivation Date	Qualification
1448752	STACIE MARIE KINGDON	01-27-2011	03-31-2013			TMR
1448749	KEVIN SCOTT KERSHAW	01-27-2011	07-31-2013			TMR
1447641	ANDREW GERALD CARTWRIGHT	01-11-2011	05-31-2013			TMR

License Renewal

Indv ID	Name	Issue Date	Expiration Date	Lapse Date	Reactivation Date	Qualification
107648	LEANNE B BLACKMON	11-16-2004	01-31-2013			TS
30380	CELESTE CHRISTENSEN	05-16-2002	01-31-2013			TE
43969	ALVIN E CASTAGNO	05-16-2002	01-31-2013			TS
36375	EDWARD L BOWLER	05-16-2002	01-31-2013			TS
105543	SAMUEL PAUL JENSEN	09-09-2004	01-31-2013			TE
28574	LORRIE MAE BODE	02-25-2008	01-31-2013			TS
85803	MICHAEL TRENTON HENDRY	01-10-2003	01-31-2013			TE
1357863	T. ALEXANDRA BIGGS	04-04-2008	01-31-2013			TE
81524	GIFFORD STEVEN BAUGH	09-19-2002	01-31-2013			TE
136776	HONEYLYN ATKINSON	11-13-2006	01-31-2013			TMR
35420	Charice Allen-Howell	05-16-2002	01-31-2013			TE
95366	MATTHEW DAVID ADAMS	10-22-2003	01-31-2013			TE
36375	EDWARD L BOWLER	05-16-2002	01-31-2013			TE

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Indv ID	Name	Issue Date	Expiration Date	Lapse Date	Reactivation Date	Qualification
38631	GLEN W MALLOY	05-16-2002	01-31-2013			TS
38916	JANICE K RICHARDS	05-16-2002	01-31-2013			TE
131062	WILLIAM J HENDRICKS	07-07-2006	01-31-2013			TE
1353160	SHAELA GRANGE	02-05-2008	01-31-2013			TS
62608	TONI N GEORGE	05-16-2002	01-31-2013			TE
106900	PETINA M CORRAO	10-21-2004	01-31-2013			TE
36439	MICHAEL RUSSELL FUESSEL	05-16-2002	01-31-2013			TE
30183	CARIE M CUMMINGS	05-16-2002	01-31-2013			TE
99752	RYAN J FERRARA	03-23-2004	01-31-2013			TMR
26250	MARVA LEE EDWARDS	05-16-2002	01-31-2013			TE
135183	DEBRA R EDDINGS	10-10-2006	01-31-2013			TE
44188	DOUGLAS W CURLIS	05-16-2002	01-31-2013			TS
44188	DOUGLAS W CURLIS	05-16-2002	01-31-2013			TE
32422	MICHAEL B IVINS	05-16-2002	01-31-2013			TE
51904	TONI M FOSTER	05-16-2002	01-31-2013			TE
128861	TRENT S MICHEL	05-19-2006	01-31-2013			TS
105543	SAMUEL PAUL JENSEN	09-09-2004	01-31-2013			TS
39624	GORDON R JESSEE	05-16-2002	01-31-2013			TS
31056	SPRING A JOHNSON	05-16-2002	01-31-2013			TE
45374	GAYLE H JOHNSON	05-16-2002	01-31-2013			TE

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License Renewal

Indv ID	Name	Issue Date	Expiration Date	Lapse Date	Reactivation Date	Qualification
126743	Suzanne Kennedy	03-22-2006	01-31-2013			TMR
30202	SANDRA R LABRUM	05-16-2002	01-31-2013			TS
38185	JANE R LANCASTER	05-16-2002	01-31-2013			TE
38185	JANE R LANCASTER	05-16-2002	01-31-2013			TS
101503	Stacey Leetzow	05-11-2004	01-31-2013			TE
101503	Stacey Leetzow	05-11-2004	01-31-2013			TMR
38563	DANETTE DANI LOEHR	05-16-2002	01-31-2013			TE
44785	GLEND A K LOVELESS	05-16-2002	01-31-2013			TE
30183	CARIE M CUMMINGS	05-16-2002	01-31-2013			TS
44542	NATALIE C HUTCHINSON	05-16-2002	01-31-2013			TE
44785	GLEND A K LOVELESS	05-16-2002	01-31-2013			TS
44419	BARBARA J MILLER	05-16-2002	01-31-2013			TE
44419	BARBARA J MILLER	05-16-2002	01-31-2013			TS
1356406	JESSICA LEIGH MOREHOUSE	04-01-2008	01-31-2013			TS
12185	PATRICK JAMES MULLALY	05-16-2002	01-31-2013			TE
12185	PATRICK JAMES MULLALY	05-16-2002	01-31-2013			TS
101194	BLAINE R NAPOLI	04-26-2004	01-31-2013			TE
79019	BRANDON TIMOTHY O'BRIEN	07-16-2002	01-31-2013			TE
79019	BRANDON TIMOTHY O'BRIEN	07-16-2002	01-31-2013			TS
36753	FARHAD N OMANA	05-16-2002	01-31-2013			TE

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License Renewal

Indv ID	Name	Issue Date	Expiration Date	Lapse Date	Reactivation Date	Qualification
40131	DANIEL W PAULSEN	05-16-2002	01-31-2013			TMR
106626	KELLEY H PENTZ	10-13-2004	01-31-2013			TE
44910	SUSAN R PUGSLEY	05-16-2002	01-31-2013			TE
44910	SUSAN R PUGSLEY	05-16-2002	01-31-2013			TS
29234	KEVIN S MAHANNAH	05-16-2002	01-31-2013			TE
27438	ANTHONY O THOMPSON	05-16-2002	01-31-2013			TS
28018	SUSAN M GALLEGOS	05-16-2002	01-31-2013			TE
31206	MELINDA ROMERO	05-16-2002	01-31-2013			TE
128143	LINDSAY A SHEARER	05-02-2006	01-31-2013			TE
53727	MICHAEL A SPRAGUE	05-16-2002	01-31-2013			TE
73829	TYLER JAMES TURNER	05-16-2002	01-31-2013			TE
73829	TYLER JAMES TURNER	05-16-2002	01-31-2013			TS
138976	LORI TWITCHELL	12-28-2006	01-31-2013			TE
99954	MEGHAN R UNG	03-30-2004	01-31-2013			TE
133858	SUSAN KAREN WELCH	09-07-2006	01-31-2013			TS
138094	MORGAN DEE WILKINS	12-15-2006	01-31-2013			TE
37685	KAREN J WOOD	05-16-2002	01-31-2013			TE
30330	NOBALEE W RHOADES	05-16-2002	01-31-2013			TE
133858	SUSAN KAREN WELCH	09-07-2006	01-31-2013			TE

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Late License Renewal

Indv ID	Name	Issue Date	Expiration Date	Lapse Date	Reactivation Date	Qualification
107926	CHRISTOPHER BRADEN BURRUP	11-23-2004	01-31-2013			TMR
107382	TERRY LYNN RENNER	11-05-2004	01-31-2013			TE
91806	JOEL GARRETT KENNY	07-26-2006	01-31-2013			TS
111937	NATHAN S DORius	03-17-2005	01-31-2013			TE
107926	CHRISTOPHER BRADEN BURRUP	11-23-2004	01-31-2013			TE
91806	JOEL GARRETT KENNY	07-26-2006	01-31-2013			TE
111937	NATHAN S DORius	03-17-2005	01-31-2013			TS

Lapse Licenses

Indv ID	Name	Issue Date	Expiration Date	Lapse Date	Reactivation Date	Qualification
61078	TANA RANAE GROVER	05-16-2002	12-31-2010	1/30/2011		TMR
31520	GERRY B HOLMAN	05-16-2002	12-31-2010	1/30/2011		TS
50104	JON B PURCELL	05-16-2002	12-31-2010	1/30/2011		TS
78999	CHARLES E POLL	07-15-2002	12-31-2010	1/30/2011		TS
1362004	JEFFREY DANIEL YOUNG	05-01-2008	12-31-2010	1/30/2011		TMR
37030	DEBRA J EVANS	05-16-2002	12-31-2010	1/30/2011		TE
50104	JON B PURCELL	05-16-2002	12-31-2010	1/30/2011		TE
133912	REBEKAH L LANTZ	09-11-2006	12-31-2010	1/30/2011		TE
36854	MICHAEL H BROWN	05-16-2002	12-31-2010	1/30/2011		TE

Title Individual Monthly Report

For the month of January, 2011

Lapse Licenses

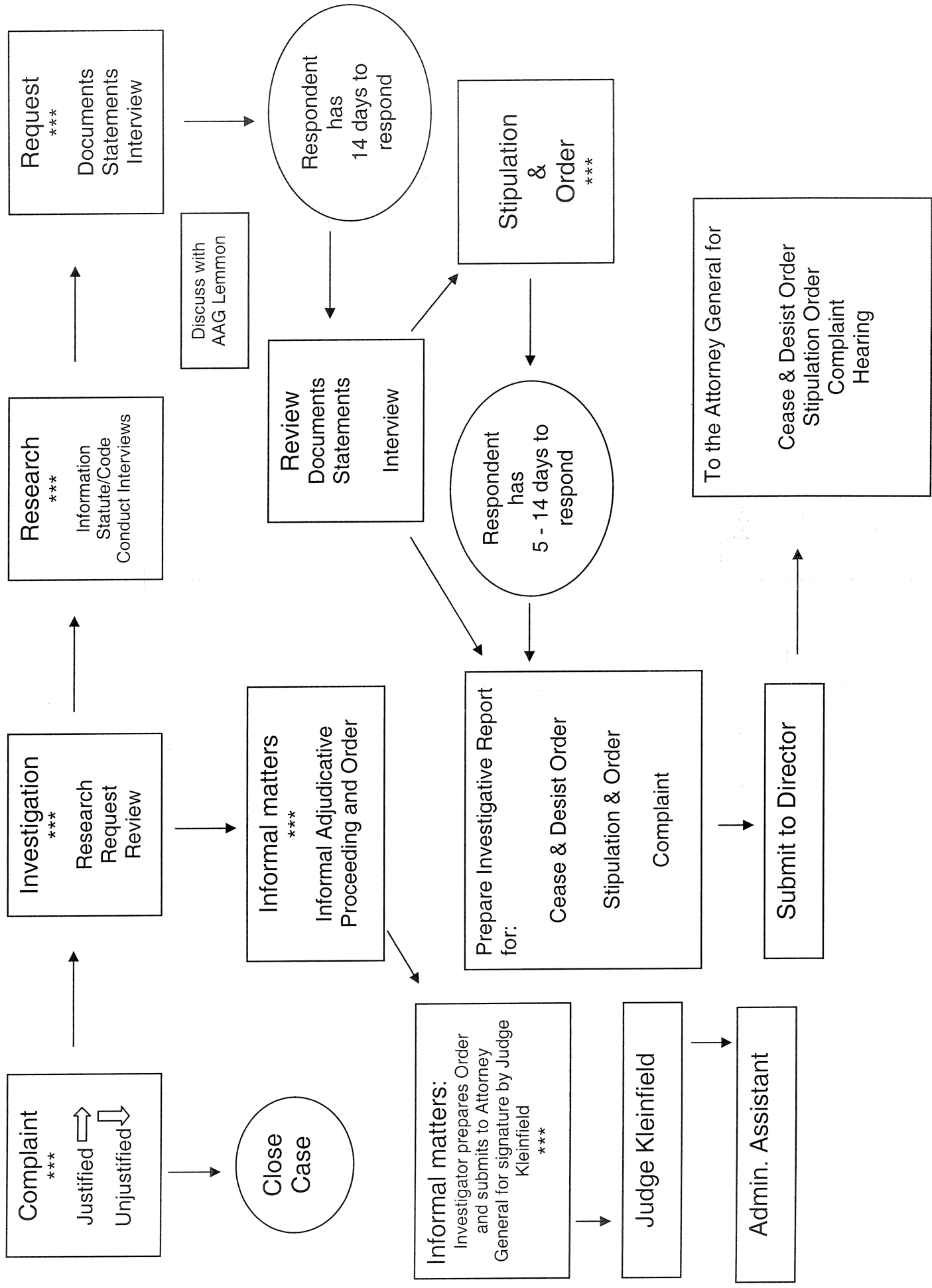
Indv ID	Name	Issue Date	Expiration Date	Lapse Date	Reactivation Date	Qualification
103830	AMY JEAN O'LAUGHLIN	08-11-2004	12-31-2010	1/30/2011		TE
103830	AMY JEAN O'LAUGHLIN	08-11-2004	12-31-2010	1/30/2011		TS
106136	PAUL R WEINBERGER	09-28-2004	12-31-2010	1/30/2011		TMR
123222	TRISHA S MINNICK	01-10-2006	12-31-2010	1/30/2011		TE
129918	MARCI WENTZ	06-09-2006	12-31-2010	1/30/2011		TE
129925	NEFI MIRAMONTES	06-14-2006	12-31-2010	1/30/2011		TE
129925	NEFI MIRAMONTES	06-14-2006	12-31-2010	1/30/2011		TS
36854	MICHAEL H BROWN	05-16-2002	12-31-2010	1/30/2011		TS
131339	THEODORE E DUNN	07-12-2006	12-31-2010	1/30/2011		TE
1373908	CHRISTOPHER RYAN FEIK	09-18-2008	12-31-2010	1/30/2011		TMR
135113	HOLLIE A BULLEN	10-06-2006	12-31-2010	1/30/2011		TE
1355939	JAMIE HINCKLEY SANDSTROM	02-25-2008	12-31-2010	1/30/2011		TE
78999	CHARLES E POLL	07-15-2002	12-31-2010	1/30/2011		TE
31520	GERRY B HOLMAN	05-16-2002	12-31-2010	1/30/2011		TE
1355939	JAMIE HINCKLEY SANDSTROM	02-25-2008	12-31-2010	1/30/2011		TMR
1357430	DEBRA KAE MILES	05-30-2008	12-31-2010	1/30/2011		TMR
36603	CHRISTOPHER S PUCKETT	05-16-2002	12-31-2010	1/30/2011		TS
37030	DEBRA J EVANS	05-16-2002	12-31-2010	1/30/2011		TMR
1376081	MILES CHRISTOPHER NANCE	10-21-2008	12-31-2010	1/30/2011		TS
130503	Jennifer E Ramsey	06-16-2006	12-31-2010	1/30/2011		TE

Title Individual Monthly Report

For the month of January, 2011

Reinstated License

Indv ID	Name	Issue Date	Expiration Date	Lapse Date	Reactivation Date	Qualification
45403	WILLIAM D ROWLEY	05-16-2002	11-30-2012	12/30/2010	1/18/2011	TS
102989	BRIDGETT K ELLIS	06-21-2004	10-31-2012	11/30/2010	1/11/2011	TE
34552	ROBERT LYNN HARRINGTON	05-16-2002	10-31-2013	1/30/2005	1/10/2011	TE
34552	ROBERT LYNN HARRINGTON	05-16-2002	10-31-2013	1/30/2005	1/10/2011	TS
45403	WILLIAM D ROWLEY	05-16-2002	11-30-2012	12/30/2010	1/18/2011	TE
83841	TANNA L SHURTLIFF	11-12-2002	11-30-2012	12/30/2010	1/25/2011	TE
43787	JUSTIN G SUTHERLAND	05-16-2002	12-31-2012	1/30/2011	1/11/2011	TE
43787	JUSTIN G SUTHERLAND	05-16-2002	12-31-2012	1/30/2011	1/11/2011	TS
25779	ERICH L TELFORD	05-16-2002	12-31-2012	1/30/2011	1/4/2011	TE
25779	ERICH L TELFORD	05-16-2002	12-31-2012	1/30/2011	1/4/2011	TS
93645	MITCHELL J MONTGOMERY	02-01-2006	12-31-2012	1/30/2011	1/10/2011	TE
40886	JULIE S WRIGHT	05-16-2002	12-31-2012	1/30/2011	1/18/2011	TE



Title Insurance Investigations
Closed Investigation Summary Report

I Case #	Date Opened	Elapsed Time	Reason Closed	Alleged Violation																								
				31A-205, optc & rules	31A-102, qualified referees	31A-121, foreign refs	31A-15-102, unauth. referee	31A-20-710, underlying rules	31A-23a-102, req. of license	31A-23a-107, character limitation	31A-23a-112, lic. prohibition	31A-23a-204, special ref.	day	making	31A-23a-409, rule book	31A-23a-409, rule book	31A-23a-412, records	31A-23a-503, controlled	in ad.	practices	RCP2-5, unfair marketing	RPSP-10, unfair claims	RPSP-206, standards	RPSP-218, penalty	RPSP-219, escrow chgs	Site	Referee's escrow chgs	Referred to Criminal
57622	9/16/09	124	Corrected					x																				No licensed escrow or title people working at the agency
57640	9/15/09	140	Private letter															x										Failure to file Annual and Controlled Business report for the year 2008 when due
57331	6/10/09	237	E-case #2652												x													Failure to pay Federal and State tax liens at time of closing
56074	1/12/10	23	E case 2621															x										Failure to file the Annual and Controlled Business Report for calendar year 2008. Due April 30, 2009.
56018	12/22/09	44	No Violation																									Alleged failure to record property as per REPC
57496	8/3/09	197	No Violation													x												Possible lender fraud
57497	8/3/09	197	No violation													x												Possible lender fraud
57674	11/16/09	92	No Violation																									Sponsorship of event of a client
57709	9/30/09	139	No Violation																									Sponsorship of golf tournament
57825	10/28/09	216/10	111 No Violation																									Sponsorship with client
57834	10/28/09	216/10	Licensed					x																				Unlicensed Title agency
57495	8/3/09	216/10	197 No violation													x												Possible lender fraud.
58121	1/27/10	218/10	22 Private letter																									Marketing violation, donated prize
58120	1/27/10	218/10	22 Private letter																									Marketing violation, donated prize
57906	11/23/09	218/10	87 E-case 2638																									Advertising rebated rates
57844	11/23/09	218/10	87 E case 2637																									Advertising rebated rates
57710	9/30/09	218/10	141 No Violation																									Sponsorship of golf tournament
57751	10/8/09	218/10	133 No Violation																									Sponsorship of golf game
58047	1/4/10	222/10	49 Private letter																									Distribution of marketing flyers with fees/premiums lower than what is filed with the department
58049	1/4/10	222/10	49 No Violation																									Distribution of marketing flyers with fees/premiums lower than what is filed with the department
58077	1/12/10	225/10	44 E-case 2623																									Failure to file the 2008 Annual and Controlled Business Reports for calendar year 2008 by April 30, 2009
58079	1/12/10	225/10	44 Duplicate see 57807																									Failure to timely file the 2009 Annual and Controlled Business Reports for the calendar year 2008 by April 30th convey property to an LLC. (thereby voiding the Owner's Policy); Missed trust deed during search.
57949	12/7/09	225/10	80 No Violation																									Failure to timely file the 2008 Annual and Controlled Business Report by April 30, 2009
57807	10/26/09	225/10	122 E-case 2624																									Allegation of co-habitation in violation
57956	12/8/09	31/10	83 No Violation																									Escrow instructions not followed, possible fiduciary violation
57592	9/1/09	39/10	189 No Violation																									Advertising on client website
58213	2/25/10	31/10/10	13 No Violation																									Trust deed not showing on HUD
57650	9/17/09	31/10/10	174 E-case 2651																									Allegation of recording a trust deed incorrectly.
56259	3/16/10	3/22/10	6 No Violation																									Theft of Operating / underwriter account money
58287	3/24/10	3/25/10	1 E-case #2659																									Did not pay off time share fees at closing
58132	2/1/10	3/29/10	56 No Violation																									Allegation of charging below filed escrow rates
58264	3/18/10	3/29/10	11 No Violation																									Charging below filed escrow rates
58240	3/10/10	3/30/10	20 No Violation																									Money held in escrow to pay lien, Lien never paid
57724	10/5/09	3/31/10	177 No Violation																									Recording / easment issues
57777	10/19/09	3/31/10	163 No Violation																									Recording / easment issues
57778	10/19/09	3/31/10	163 No Violation																									Recording / easment issues

Title Insurance Investigations

[illegible]

**Title Insurance Investigations
Open and Closed Per Month
Report**

	Opened	Closed		Opened	Closed
January	7	4	January	6	4
February	20	26	February		
March	11	41	March		
April	19	25	April		
May	20	7	May		
June	20	39	June		
July	26	17	July		
August	24	21	August		
September	15	55	September		
October	14	15	October		
November	25	17	November		
December	11	55	December		
Totals for 2008	212	322	Totals for 2011	6	4
January	8	31	January		
February	13	15	February		
March	4	12	March		
April	10	5	April		
May	5	5	May		
June	16	25	June		
July	6	7	July		
August	15	17	August		
September	31	22	September		
October	20	18	October		
November	7	11	November		
December	10	9	December		
Totals for 2009	145	177	Totals for 2012	0	0
January	10	9	January		
February	7	22	February		
March	17	17	March		
April	2	0	April		
May	3	15	May		
June	23	22	June		
July	0	2	July		
August	0	6	August		
September	3	0	September		
October	5	2	October		
November	20	5	November		
December	16	26	December		
Totals for 2010	106	126	Totals for 2013	0	0

Title Insurance Consumer Complaints

Open and Closed Consumer Complaint Summary Report

Case #	Date Open	Date closed	Complaint	CSA	
58109	1/25/2010	2/25/2010	HO premium not paid at closing	Meldee	JUSTIFIED
58202	2/22/2010	2/22/2010	title complaint, feels title company didn't uncover/disclose hazards for clear title and sale of home - flood insurance requirements	Sandy	UNJUSTIFIED
58434	5/19/2010	8/19/2010	Condo Ins not pd at closing	Meldee	UNJUSTIFIED
58624	8/10/2010	8/10/2010	Mechanicsliens reordered on property after closing	Sandy	Withdrawn
58832	11/8/2010	11/16/2010	Title agency did not the seller's delinquent dues paid	Meldee	UNJUSTIFIED
58852	11/15/2010	2/9/2011	Lender complaint. Trust deed not recorded	Meldee	UNJUSTIFIED
58865	11/18/2010	12/9/2010	not supplying title ins or deed to the property	Sandy	UNJUSTIFIED

**Title Insurance Consumer Complaints
Open and Closed Per Month Report**

	Open	Closed		Open	Closed
January	1	0	January	1	1
February	1	1	February		
March	3	2	March		
April	5	2	April		
May	0	5	May		
June	1	1	June		
July	0	1	July		
August	2	1	August		
September	1	0	September		
October	0	3	October		
November	1	0	November		
December	0	1	December		
Total 2008	15	17	Total 2011	1	1
January	0	0	January		
February	0	1	February		
March	0	0	March		
April	0	0	April		
May	1	0	May		
June	0	1	June		
July	0	0	July		
August	1	0	August		
September	0	0	September		
October	0	1	October		
November	0	0	November		
December	1	2	December		
Total for 2009	3	5	Total for 2012	0	0
January	1	0	January		
February	1	2	February		
March	0	0	March		
April	0	0	April		
May	1	0	May		
June	0	0	June		
July	0	0	July		
August	1	2	August		
September	0	0	September		
October	0	0	October		
November	3	1	November		
December	0	1	December		
Total for 2010	7	6	Total for 2013	0	0

Title Insurance Enforcement Report

E-Case #	Date Opened	Recommended Action	Action taken	Action Date	Closed Date
2174	5/20/08	Hearing	Prosecutor for drafting	9/8/08	
			Respondent for signature	6/23/10	
			Hearing rescheduled for April		
2331	12/22/08	Default Revocation	Prosecutor for drafting		
			Respondent for signature		
			Revocation		9/16/2010
2405	4/15/09	Appeal Reversed	Under Review	5/31/10	
			Awaiting Fine	12/14/10	
			Fine \$1000, 6 mos prob.		
2423	5/14/09	Complaint	Prosecutor for drafting	6/9/10	
			Hearing		
			Dismissed	9/23/10	9/23/2010
2521	9/23/09	Informal Action	Sent to Respondent	9/30/09	
			Order to show cause	3/2/10	
			Additional Fine	3/31/10	
2548	10/26/09	Dismissed	Prosecutor for drafting	4/8/10	
			Respondent for signature		
			Dismissed	9/29/10	9/29/2010
2549	10/26/09	Dismissed	Prosecutor for drafting	4/8/10	
			Respondent for signature		
			Dismissed		9/29/2010
2564	11/5/09	Stipulation and Order	Prosecutor for drafting	5/17/10	
			S&O offer	9/23/10	
			Fine paid	11/22/10	1/4/2011
2566	11/9/09	Stipulation and Order	S&O Mailed to new address	11/23/10	
2572	11/17/09	Hearing	Sent to Respondent	2/4/10	
			Hearing set	8/2/10	
			Fine Paid	11/9/10	11/9/2010
2598	12/22/09	Stipulation and Order	Prosecutor for drafting	12/22/09	
			Respondent for signature		
			Waiting on Guardian Title result		
2621	1/12/10	Dismissed	Sent to Respondent	2/4/10	
			Pre-hearing set	8/10/10	
			Dismissed	9/14/10	9/14/2010
2623	1/12/10	Complaint	Sent to Respondent	2/4/10	
			Withdrawn	7/1/10	
					7/1/2010

Title Insurance Enforcement Report

E-Case #	Date Opened	Recommended Action	Action taken	Action Date	Closed Date
2624	1/12/10	Complaint	Sent to Respondent	2/4/10	
			Default Order	9/20/10	
			Collection ltr sent	12/29/10	
2637	2/18/10	Stipulation and Order	Prosecutor for drafting	3/4/10	
			Respondent for signature	4/19/10	
			Penalty imposed by commission	Paid	9/2/2010
2638	2/18/10	Complaint	Prosecutor for drafting	4/20/10	
			Notice of hearing 10/19	9/14/10	
			Fine \$500 Pd	12/13/10	12/13/2010

2651	3/11/10	Stipulation and Order	Prosecutor for drafting	3/15/10	
			Respondent for signature	4/26/10	
			Fine received	7/21/10	7/21/2010
2659	3/24/10	Complaint	Sent to Respondent	4/12/10	
			Hearing scheduled	6/22/10	
			Signed by Judge	Revoked	7/12/2010
2664	4/1/10	Complaint for revocation	Sent to Respondent		
			Warning Letter	Closed	12/2/2010
2687	6/2/10	Informal Action	Sent to Respondent		
			Docs received	Closed	11/10/2010
2701	6/2/10	Informal Action	Sent to Respondent	7/7/10	
			Accepted by respondent	7/14/10	7/14/2010
2702	6/2/10	Informal Action	Sent to Respondent	7/7/10	
			Last pmt made	9/20/10	9/22/2010
2703	6/2/10	Informal Action	Resent to Respondent	9/20/10	
			Returned mail no forwarding	12/6/10	
2704	7/7/10	Stipulation and Order	Sent to Respondent	9/8/10	
			S&O received	9/13/10	
			4th Pmt/10 received	2/9/11	
2718	8/24/10	Informal Action	Sent to Respondent	8/31/10	
			Fine Paid \$1750	9/16/10	
					9/16/2010

Robert L. Harrington
2046 E. Murray Holladay Rd. #108
Salt Lake City, Utah 84117
8010272-4000

January 14, 2011

Randy Overstreet
Utah Insurance Department
Title & Escrow Commission
State Office Bldg. Room 3110
Salt Lake City, Utah 84114-6901

RE: Request for Exemption pursuant to UCA 31A-23a-204
Robert L. Harrington Attorney at Law

Dear Commissioner Overstreet:

Please consider this as a request for “**exemption**” from title agency licensing as outlined in the above referenced statute.

During the course of my career I have had substantial experience with title work and with the development of real property, as outlined below.

I graduated from law school in 1976. During the 70's I represented a number of banks doing document creation, reviewing title issues, closings, and foreclosures. I worked with other lawyers in commercial litigation involving real estate loans and had relationships with most of the major title companies in the City. During that time I was heavily involved in the development of residential subdivisions, office warehouse properties and other commercial properties.

During the 80's I was a part owner of Bonneville Mortgage, the largest commercial loan brokerage in the area. We made many loans on commercial and multi family properties, including a couple of malls and all levels of commercial development. I also developed a number of properties including a large condo hotel, several storage centers, subdivisions, and other commercial properties. I built and developed a number of homes and

2011 Requests for Exemption from Title Agency Training Requirements

(31A-23a-204)

		Date					
		Utah Insurance Department				Title and Escrow Commission	
Month	Name Supporting Information	Received	Preliminary Approval	Preliminary Disapproval	Applicant Notified	Concur	Non-concur
February	Robert Lynn Harrington Year licensed as attorney – Licensed with Utah State Bar since 1976. Ins license history – 12/07/1992 – 12/31/2004; then 01/10/2011 – present. Title Escrow – same as ins. lic. history Title Search – same as ins. lic. history Real estate experience – Experience since 1970’s in title work and development of real property, including: reviewing title issues, closings, and foreclosures; development of residential subdivisions, warehouse and other commercial properties; owner and operator of mortgage companies; residential and commercial property loans; title issues related to acquisition, development and land use planning; and four years serving on a city planning commission, etc. Legal real estate experience – Legal real estate experience since 1970’s in areas of commercial litigation involving real estate loans, real estate property development, appearing as lawyer in front of many planning commissions, operation of a title practice as a lawyer, and presently serving as the hearing officer on planning, zoning and license issues for Holladay City.	01-18-11	01-24-11		01-24-11		

RECEIVED
JAN 12 2011

UTAH STATE
INSURANCE DEPT

M. GALE LEMMON #4363
Assistant Attorney General
MARK L. SHURTLEFF #4666
Attorney General
Attorneys for Utah Insurance Department
State Office Building, Room 3110
Salt Lake City, Utah 84114
Telephone: (801) 538-3872

BEFORE THE INSURANCE COMMISSIONER
OF THE STATE OF UTAH

COMPLAINANT: UTAH INSURANCE DEPARTMENT RESPONDENT: TYLER CISNEROS 422 East Montgomery Drive Sandy, UT 84070 License No. 193831	STIPULATION AND ORDER Docket No. Enf. Case No. 2566
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STIPULATION

1. Respondent, Tyler Cisneros is a licensed title insurance agent in the State of Utah, holding License No. 193831.
2. Respondent stipulates with the Complainant, Utah Insurance Department, as follows:
 - a. If a hearing were held, witnesses called by the Complainant could offer and introduce evidence that would support the Findings of Fact herein;
 - b. Respondent admits the Findings of Fact and Conclusions made therefrom;
 - c. Respondent stipulates to the summary entry of the Order herein which

shall be in lieu of other administrative proceedings by Complainant in this matter; and

- d. Respondent and Complainant have negotiated the terms of the Order entered herein and Respondent agrees to its entry and further agrees to be bound by all its terms.

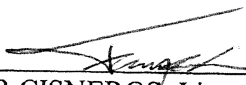
3. Respondent is aware of his right to a hearing at which he may be represented by counsel, present evidence and cross-examine witnesses. Respondent has irrevocably waived his right to such hearing and to any appeal related thereto.

4. Respondent admits the jurisdiction of the State of Utah Insurance Commissioner as to all matters herein.


5. Respondent is acting herein free from any duress or coercion of any kind or nature, having been advised fully as to his rights set forth herein.

6. Respondent acknowledges that the issuance of this Order by the Commissioner is solely for purpose of disposition of the matter entitled herein.

DATED this 11TH day of JANUARY, 2010.



TYLER CISNEROS, Licensee



UTAH INSURANCE DEPARTMENT
M. Gale Lemmon
Assistant Attorney General

Based upon the foregoing Stipulation and information in the file, the Presiding Officer makes the following Findings of Fact:

FINDINGS OF FACT

1. On or about May 2006, Respondent prepared an estimated HUD-1 Settlement Statement that was submitted to Litton Loan Servicing ("Litton") for short sale approval and was based on a purchase contract for real property located in the State of Utah from Harley & Deann Heward ("the Hewards") to FAT Enterprise, Inc. ("FAT") indicating a sales price of \$549,900.
2. On or about June 6, 2006, Litton, in reliance on the information received from Respondent, prepared instructions as to their terms of acceptance for the short sale. According to those terms, the net proceeds were to be no less than \$535,000, with approval of \$1,000 to the second mortgage holder. No other buyers were approved.
3. On or about July 27, 2006, Litton updated their short sale approval letter accepting no less than \$538,675.64 as net proceeds, with all other elements remaining the same.
4. On or about August 11, 2006, Respondent provided to Litton a fully executed (signed) "Final" HUD-1 Settlement Statement for the short sale from the Hewards to FAT, showing a sales price of \$549,900, representing that he had closed and settled the transaction, when in fact he had not. Based on that "Final" HUD-1 Settlement Statement, Litton believed the short sale transaction was complete.
5. Unknown to Litton at the time, but known to the Respondent, the Hewards had quit claimed the subject property to FAT on or about January 28, 2006, and had no interest in the property. The HUD-1 submitted to Litton was fictitious and was only a device to induce Litton to accept a short sale price lower than the actual transaction that was used to obtain funds to pay

Litton its short sale proceeds.

6. The actual transaction occurred on or about August 11, 2006, where Respondent prepared a HUD-1 and closed a real estate transaction for the same property with FAT as the seller and Deborah Ward ("Ward") as the buyer with a sales price of \$595,000.

7. Funding for the FAT to Ward transaction occurred on August 14, 2006, and the funds received from this sale were used to pay Litton its short sale proceeds, disbursements not authorized by Litton for additional payoff to the second mortgage holder, and profits to FAT.

8. The actual transaction involving the real estate for which Litton was the lender closed at a higher price than represented to Litton, thus depriving Litton of an additional \$46,000 in additional monies for payoff.

9. The Respondent cooperated with both the Market Conduct Division and the Fraud Division in their respective investigations.

Based upon the foregoing Stipulation and Findings of Fact, the Presiding Officer enters the following Conclusions of Law:

CONCLUSIONS OF LAW

1. Utah Code Ann. § 31A-23a-402 states:

(1)(a)(I) Any of the following may not make or cause to be made any communication that contains false or misleading information, relating to an insurance product or contract, any insurer or licensee under this title, including information that is false or misleading because it is incomplete.

2. Utah Code Ann. § 31A-23a-107 addresses character requirements and states that each applicant for a license chapter shall show to the commissioner that he/she is competent and

trustworthy.

3. By submitting false HUD-1 statements to a lender in a real estate transaction,

Respondent violated the above statutes.

4. By conducting an escrow and settlement with disbursements contrary to the lender's instructions, Respondent violated the above statutes.

3. An administrative forfeiture in the amount of \$2,000 and probation for a period of 24 months is appropriate under the circumstances of this case.

RECOMMENDED ORDER

IT IS RECOMMENDED THAT THE TITLE AND ESCROW COMMISSION IMPOSE THE FOLLOWING PENALTY:

1. Respondent, Tyler Cisneros be assessed an administrative forfeiture in the amount of \$2,000.00, to be paid within 30 days of the imposition of the penalty by the Title and Escrow Commission.

2. Respondent's license be placed on probation for a period of 24 months with the following conditions:

- (A) Respondent shall participate in a mentoring program with a licensed title and escrow agent acceptable to the department;
- (B) The mentor shall accept and acknowledge his responsibility for overseeing the actions of the Respondent in writing;
- (C) Any change in employers will require a new mentor under the same conditions;
- (D) The mentor shall oversee the day to day duties of Respondent and provide proper training in areas where Respondent lacks knowledge;
- (E) The mentor shall audit at least five closing transactions of the Respondent on a monthly basis and shall submit a written report to the Department. The report

shall contain the following information: escrow number, borrower or buyer and seller name, and type of transaction;


(F) Respondent shall attend 12 additional hours of continuing education relating to mortgage fraud, real estate fraud, title insurance fraud, or similar. The additional hours of continuing education are in addition to the continuing education requirements to renew Respondent's license. Respondent shall report these hours to the Department as soon as completed. The additional hours shall be completed during the term of probation.

(G) Respondent shall have no further violations of the Utah Insurance Code or Rules or of any order of the commissioner during the period of probation.

(H) Respondent shall pay criminal investigative expenses in the amount of \$1,000 to the Utah Insurance Department Fraud Division within 30 days of the date of the imposition of the penalty by the Title and Escrow Commission.

DATED this 16th day of February, 2010.

NEAL T. GOOCH
Insurance Commissioner


MARK E. KLEINFELD
Administrative Law Judge
Utah Insurance Department
State Office Building, Room 3110
Salt Lake City, Utah 84114
Telephone: (801) 538-3800

ADOPTION OF RECOMMENDED ORDER AND IMPOSITION IF PENALTY

By a vote of ____ to ____, taken in open meeting on this date, the Title and Escrow Commission hereby adopts the recommended order of the Presiding officer and imposes the penalty recommended above.

DATED this ____ day of ____, 2010.

CORTLUND G. ASHTON, Chairman
Title and Escrow Commission

NOTIFICATION

You are hereby notified that a failure to obey an Order of the Commissioner may subject you to further penalties, including forfeitures of up to \$2,500 per violation and the suspension or revocation of your license and the filing of an action in district court, which may impose forfeitures of up to \$10,000 per day for continued violation.

You are further notified that other jurisdictions in which you may be licensed may require that you report this action to them.

R592.15 Insurance, Title and Escrow Commission.

R592-15. Submission of a Schedule of Minimum Charges for Escrow Services.

R592-15-1. Authority.

This rule is promulgated by the Title and Escrow Commission pursuant to Section 31A-2-404 which requires the Commission to make rules related to title insurance.

R592-15-2. Purpose and Scope.

(1) The purpose of this rule is to establish the procedures for filing a Schedule of Minimum Charges for Escrow Services pursuant to Section 31A-19a-209.

(2) This rule applies to all title insurers, agencies and producers providing escrow services in Utah.

R592-15-3. Required Documents.

(1) The department requires that the documents described in this section shall be used for all filings, and are available on the department's web site, <http://www.insurance.utah.gov>.

(a) "Transmittal Document for Title Agency or Title Producer"; and

(b) "Schedule of Minimum Charges for Escrow Services."

R592-15-4. Definitions.

In addition to the definitions of Sections 31A-1-301, 31A-2-402, and 31A-19a-102, the following definitions shall apply for the purpose of this rule.

(1) "Additional escrow services" means escrow settlement services that are rendered in excess of the escrow settlement services not specifically shown in the minimum escrow charges listed in the Schedule of Minimum Charges for Escrow Services.

(2) "Certification" means a statement that the filing being submitted is in compliance with Utah laws and rules.

(3) "Charge" means a dollar amount charged for a service rendered by a title insurer, title agency, or title producer.

(4) "Document preparation" means the preparation or compilation of documents in connection with escrow services.

(5) "Electronic filing" means:

(a) a filing submitted via the internet by a title insurer using the System for Electronic Rate and Forms Filings (SERFF); or

(b) a filing submitted via an email system by a title insurance agency or an individual title insurance producer not designated to a title insurance agency.

(6) "Escrow charge" means a dollar amount charged for an escrow service shown in the Schedule of Minimum Charges for Escrow services.

(7) "Escrow services" means those services related to settlements of real estate transactions.

(8) "File and use" means a filing can be used, sold, or offered for sale after it has been filed with the department.

(9) "File before use" means a filing can be used, sold, or offered for sale after it has been filed with the department, and a stated period of time has elapsed from the date filed.

(10) "Filer" means a person or entity who submits a filing.

(11) "Filing Objection Letter" means a letter issued by the commissioner when a review has determined the filing fails to comply with Utah law and rules. The Filing Objection Letter may, in addition to requiring correction of non-compliant items, request clarification or additional information pertaining to the filing.

(12) "Letter of Authorization" means a letter signed by an officer of the licensee on whose behalf the filing is submitted and which designates filing authority to the filer.

(13) "Long-term escrow" means a "For Benefit Of" (FBO) account that is for the purpose of payment collection and administration of seller-financed transactions, as described by an escrow agreement.

(14) "Mini escrow" means an escrow settlement service conducted by a title agency to clear a title, obtain payoffs and record necessary closing documents for a lender that performs his or her own closing service.

(15) "Minimum escrow fee" means the minimum amount that must be charged for escrow settlement services that are rendered.

(16) "Order to Prohibit Use" means an order issued by the commissioner that prohibits the use of a filing.

(17) "Other settlement services" means additional services not specifically listed in the Schedule of Minimum Charges for Escrow Services.

(18) "Rejected" means a filing is:

(a) not submitted in accordance with Utah laws and rules;

(b) returned to the filer by the department, with the reasons for rejection; and

(c) not considered filed with the department.

R592-15-5. General Filing Information.

(1) Each filing submitted must be accurate, consistent, complete, and contain all required documents in order for the filing to be processed in a timely and efficient manner. The commissioner may request any additional information deemed necessary.

(2) Licensees are responsible for assuring compliance with Utah laws and rules. Filings not in compliance with Utah laws and rules are subject to regulatory action under Section 31A-2-308.

(3) A filing that does not comply with this rule will be rejected as incomplete and returned to the filer. A rejected filing:

(a) is not considered filed with the department;

(b) must be submitted as a new filing; and

(c) will be charged a new filing fee.

(4) Prior filings will not be researched to determine the purpose of the current filing.

(5) The department does not review or proofread every filing.

(a) A filing may be reviewed:

(i) when submitted;

(ii) as a result of a complaint;

(iii) during a regulatory examination or investigation; or

(iv) at any other time the department deems necessary.

(b) If a filing is reviewed and is not in compliance with Utah laws and rules, a Filing Objection Letter or an Order to Prohibit Use will be issued to the filer. The commissioner may require the licensee to disclose deficiencies in rating practices to affected

consumers.

(6) (a) Filing corrections are considered informational.

(b) Filing corrections must be submitted within 15 days of the date the original filing was submitted to the department. The filer must reference the original filing.

(c) A new filing is required if a filing correction is made more than 15 days after the date of the original filing was submitted to the department. The filer must reference the original filing.

(7) If responding to a Filing Objection Letter or an Order to Prohibit Use, refer to R592-15-9

(8) A filer must notify the department when withdrawing a previously filed rate.

R592-15-6. Filing Requirements.

(1) Only an individual who is authorized to act on behalf of the insurer, agency or producer can submit a filing.

(2) (a) An initial Schedule of Minimum Charges for Escrow Services filing is a file and use filing and is effective the day the initial schedule is filed.

(b) A revised Schedule of Minimum Charges for Escrow Services filing is a file before use filing and is effective:

(i) 30 calendar days after the revised Schedule of Minimum Charges for Escrow Services is filed; or

(ii) a date specified by the filer that is later than 30 calendar days after the revised Schedule of Minimum Charges for Escrow Services is filed.

(3) All filings must be submitted as an electronic filing via:

(a) email; or

(b) SERFF.

(4) Email Filing: A complete email filing consists of the following:

(a) an email with a title showing the name of the filer and stating that it is an escrow rate filing;

(b) Utah Transmittal Document for Title Agency or Title Producer, completed and containing the following items in the following order:

(i) completed filing description, contained in Section 9 of the transmittal document, with the following information presented in the order shown.

(A) Certification.

(I) The filer must certify that a filing has been properly completed AND is in compliance with Utah laws and rules.

(II) The following statement must be included in the filing description: "BY SUBMITTING THIS FILING I CERTIFY THAT THE ATTACHED FILING HAS BEEN COMPLETED IN ACCORDANCE WITH UTAH ADMINISTRATIVE RULE R592-15 AND IS IN COMPLIANCE WITH APPLICABLE UTAH LAWS AND RULES".

(III) A filing will be rejected if the certification is false, missing, or incomplete.

(IV) a certification that is false may subject the licensee to administrative action.

(B) Indicate if the filing is:

(I) new;

(II) replacing or modifying a previous submission, with changes

described;

(III) previously rejected, with reasons for rejection and previous filing's submission date; or

(IV) previously objected to or prohibited, with reasons for resubmission.

(c) Schedule of Minimum Charges for Escrow Services, completed as follows:

(i) all blank fields must be completed;

(ii) if a listed service is not performed by a licensee, the field must show "N/A" or "Not Applicable"; and

(iii) The Schedule of Minimum Charges for Escrow Services shall not be altered.

(d) Letter of Authorization.

(i) When the filer is not the licensee, a Letter of Authorization from the licensee must be attached.

(ii) The licensee remains responsible for making sure that the filing is in compliance with Utah laws and rules.

(e) As required by subsection 31A-19a-203(1)(e)(i), the rate filing fee must be received by the department within 5 days of the electronic submission or the filing will be rejected.

(5) SERFF Filing. A complete SERFF filing consists of the following:

(a) The completed description section on the general information tab, presented in the order shown below.

(i) Certification.

(A) The filer must certify that a filing has been properly completed AND is in compliance with Utah laws and rules.

(B) The following statement must be included in the filing description: "BY SUBMITTING THIS FILING I CERTIFY THAT THE ATTACHED FILING HAS BEEN COMPLETED IN ACCORDANCE WITH UTAH ADMINISTRATIVE RULE R592-15 AND IS IN COMPLIANCE WITH APPLICABLE UTAH LAWS AND RULES".

(C) A filing will be rejected if the certification is false, missing, or incomplete.

(D) A certification that is false may subject the licensee to administrative action.

(ii) Indicate if the filing is:

(A) new;

(B) replacing or modifying a previous submission, with changes described;

(C) previously rejected, with reasons for rejection, and previous filing's submission date; or

(D) previously objected to or prohibited, with reasons for resubmission.

(b) Schedule of Minimum Charges for Escrow Services completed as follows, and attached to the rate/rule schedule tab:

(i) all blank fields must be completed;

(ii) if a listed service is not performed by a licensee, the field must show "N/A" or "Not Applicable"; and

(iii) The Schedule of Minimum Charges for Escrow Services shall not be altered.

(c) Letter of Authorization.

(i) When the filer is not the licensee, a Letter of Authorization from the licensee must be attached.

(ii) The licensee remains responsible for making sure that the filing is in compliance with Utah laws and rules.

(d) As required by subsection 31A-19a-203(1)(e)(i), the rate filing fee must be received by the department within 5 days of the electronic submission or the filing will be rejected.

R592-15-7. Charges.

(1) Escrow Service Charges.

(a) In accordance with subsection 31A-19a-209(3), no charge may be filed or used that would cause the agency or producer to operate at less than the cost of doing the business of escrow.

(b) Only minimum escrow charges shown in the Schedule of Minimum Charges for Escrow Services must be filed.

(2) Other Settlement Services Charges.

(a) other settlement services charges will be used for services not specifically shown in the Schedule of Minimum Charges for Escrow Services.

(b) other settlement service charge must be filed as a per hour charge.

(3) Document Preparation Charge.

Only document charges shown in the Schedule of Minimum Charges for Escrow Services must be filed.

(4) Other services which are not specifically listed on the Schedule of Minimum Charges for Escrow services may be rendered provided a justifiable charge is made.

R592-15-8. Correspondence and Status Checks.

(1) When corresponding with the department, provide the following information to identify the original filing:

(a) type of filing;

(b) date of filing; and

(c) submission method; SERFF or email.

(2) A filer can request the status of its filing 60 days after the date of submission.

R592-15-9. Responses.

(1) A response to a Filing Objection Letter must include:

(a) a cover letter identifying the changes made; and

(b) revised documents with all changes highlighted.

(2) (a) An Order to Prohibit Use becomes final 15 days after the date of the Order.

(b) Use of the filing must be discontinued not later than the date specified in the Order.

(c) To contest an Order to Prohibit Use, the commissioner must receive a written request for a hearing no later than 15 days after the date of the Order.

(d) Once the Order to Prohibit Use has been issued, a new filing is required if the company chooses to make the requested changes addressed in the original Filing Objection Letter. The new filing must reference the previously prohibited filing.

R592-15-10. Penalties.

A person found to be in violation of this rule shall be subject

to penalties under Section 31A-2-308.

R592-15-11. Enforcement Date.

The commissioner will begin enforcing this rule 15 days from the effective date of this rule.

R592-15-12. Severability.

If any provision of this rule or its application to any person or situation is held to be invalid, that invalidity shall not affect any other provision or application of this rule which can be given effect without the invalid provision or application, and to this end the provisions of this rule are declared to be severable.

KEY: title escrow filings

2011

31A-2-404

R592. Insurance, Title and Escrow Commission.

R592-6. Unfair Inducements and Marketing Practices in Obtaining Title Insurance Business.

R592-6-4. Unfair Methods of Competition, Acts and Practices.

In addition to the acts prohibited under Section 31A-23a-402, the Commission finds that providing or offering to provide any of the following benefits by parties identified in Section R592-6-2 to any client, either directly or indirectly, except as specifically allowed in Section R592-6-5 below, is a material and unfair inducement to obtaining title insurance business and constitutes an unfair method of competition.

(1) The furnishing of a title insurance commitment without one of the following:

(a) sufficient evidence in the file of the title insurer, agency or producer that a bona fide real estate transaction exists; or

(b) payment in full at the time the title insurance commitment is provided.

(2) The paying of any charges for the cancellation of an existing title insurance commitment issued by a competing organization, unless that commitment discloses a defect which gives rise to a claim on an existing policy.

(3) Furnishing escrow services pursuant to Section 31A-23a-406:

(a) for a charge less than the charge filed pursuant to Section 31A-19a-209(5); or

(b) the filing of charges for escrow services with the Utah Insurance Commissioner (commissioner), which are less than the actual cost of providing the services.

(4) Waiving all or any part of established fees or charges for services which are not the subject of rates or escrow charges filed with the commissioner.

(5) Deferring or waiving any payment for insurance or services otherwise due and payable, including a series of real estate transactions for the same parcel of property.

(6) Furnishing services not reasonably related to a bona fide title insurance, escrow, settlement, or closing transaction, including non-related delivery services, accounting assistance, or legal counseling.

(7) The paying for, furnishing, or waiving all or any part of the rental or lease charge for space which is occupied by any client.

(8) Renting or leasing space from any client, regardless of the purpose, at a rate which is excessive or inadequate when compared with rental or lease charges for comparable space in the same geographic area, or paying rental or lease charges based in whole or in part on the volume of business generated by any client.

(9) Furnishing any part of a title insurer's, title agency's, or title producer's facilities, for example, conference rooms or meeting rooms, to a client or its trade association, for anything other than the providing of escrow or title services, or meetings related to such, without receiving a fair rental or lease charge comparable to other rental or lease charges for facilities in the same geographic area.

(10) The co-habitation or sharing of office space with a client of a title insurer, title agency, or title producer.

(11) Furnishing all or any part of the time or productive effort of any employee of the title insurer, agency or producer, for example, secretary, clerk, messenger or escrow officer, to any client.

(12) Paying for all or any part of the salary of a client or an employee of any client.

(13) Paying, or offering to pay, either directly or indirectly, salary, commissions or any other consideration to any employee who is at the same time licensed as a real estate agent or real estate broker or as a mortgage lender or mortgage company subject to 31A-2-405 and R592-5.

(14) Paying for the fees or charges of a professional, for example, an appraiser, surveyor, engineer or attorney, or for the pre-payment of fees and charges of a client or party to the transaction, for example subordination, loan or HOA payoff request fees, whose services are required by any party or client to structure or complete a particular transaction. This subsection does not include the pre-payment of overnight delivery/mail fees that will be recovered through closing of a transaction.

(15) Sponsoring, cosponsoring, subsidizing, contributing fees, prizes, gifts, food or otherwise providing anything of value for an activity of a client, except as allowed under Subsection R592-6-5(6). Activities include open houses at homes or property for sale, meetings, breakfasts, luncheons, dinners, conventions, installation ceremonies, celebrations, outings, cocktail parties, hospitality room functions, open house celebrations, dances, fishing trips, gambling trips, sporting events of all kinds, hunting trips or outings, golf or ski tournaments, artistic performances and outings in recreation areas or entertainment areas.

(16) Sponsoring, cosponsoring, subsidizing, supplying prizes or labor, except as allowed under Subsection R592-6-5(2) or otherwise providing things of value for promotional activities of a client. Title insurers, agencies or producers may attend activities of a client if there is no additional cost to the title insurer, agency or producer other than their own entry fees, registration fees, meals, and provided that these fees are no greater than those charged to clients or others attending the function.

(17) Providing gifts or anything of value to a client in connection with social events such as birthdays or job promotions. A letter or card in these instances will not be interpreted as providing a thing of value.

(18) Furnishing or providing access to the following, even for a cost:

- (a) building plans;
- (b) construction critical path timelines;
- (c) "For Sale by Owner" lists;
- (d) surveys;
- (e) appraisals;
- (f) credit reports;
- (g) mortgage leads for loans;
- (h) rental or apartment lists; or
- (i) printed labels.

(19) Newsletters cannot be property specific or cannot highlight specific customers.

(20) A title insurer, agency or producer cannot provide a client access to any software accounts that are utilized to access real property information that the insurer, agency or producer pays for, develops, or pays to maintain. Closing software is exempt as long as it is used for a specific closing.

(21)(a) ~~A [person, as defined in 31A-1-301, or individual affiliated with a]~~ title insurer, agency or producer cannot provide ~~[a loan or any type of financing to a client of title insurance.]~~ title or escrow services on real property where an investment loan or financing has been provided by said an individual affiliated with a title insurer, agency or producer, including its owners, or employees, or affiliates.

(b) Subsection (21)(a) does not apply to such transactions: involving (i) involving purchase moneysellerf financing of, of:
(ii) involving primary or secondary residences; or
(iii) involving and (ii) involving commercial office property owned and maintained by those persons or entities described in (a) herein;
or

(iiiiviii) obtained through a trustee's sale; or
(iviviii) re-acquired by the original owner by a stated default.

(22) Paying for any advertising on behalf of a client.

(23) Advertising jointly with a client on subdivision or condominium project signs, or signs for the sale of a lot or lots in a subdivision or units in a condominium project. A title insurer, agency or producer may advertise independently that it has provided title insurance for a particular subdivision or condominium project but may not indicate that all future title insurance will be written by that title insurer, agency or producer.

(24) Advertisements may not be placed in a publication, including an internet web page and its links, that is hosted, published, produced for, distributed by or on behalf of a client.

(25) A donation may not be made to a charitable organization created, controlled or managed by a client.

(26) A direct or indirect benefit, provided to a client which is not specified in Section R592-6-5 below, will be investigated by the department for the purpose of determining whether it should be defined by the Commission as an unfair inducement under Section 31A-23a-402(8).

(27) Title insurers, agencies and producers who have ownership in, or control of, other business entities, including I.R.C. Section 1031 qualified intermediaries and escrow companies, may not use those other business entities to enter into any agreement, arrangement, or understanding or to pursue any course of conduct, designed to avoid the provisions of this rule.

KEY: title insurance

Date of Enactment or Last Substantive Amendment: [June 25, 2009]2010
Authorizing, and Implemented or Interpreted Law: [31A-2-201, 31A-23a-402]31A-2-404

R5902. Insurance, Administration Title and Escrow Commission.

R5902-9914. Delay or Failure to Record Documents and the Insuring of Properties with the False Appearance of Unmarketability as Unfair Title Insurance Practices.

R5902-9914-1. Authority.

This rule is promulgated by the Title and Escrow Commission pursuant to the ~~general authority vested in the commissioner by~~ Section 31A-2-404(2).201(2)(3) to make reasonable rules necessary for, or as an aid to, the effectuation of any provision of the Utah Insurance Code, and pursuant to the specific authority of Section 31A-23a-4024 allowing the commissioner to prescribe a classification of material inducements constituting unlawful trade practices, and to define unfair or deceptive acts or practices prohibited in the business of insurance.

R5902-9914-2. Purpose and Scope.

~~Title insurance is designed to provide indemnification against loss, including a loss resulting from a determination of unmarketability of the insured's interest in real property. The burden of proving any loss, together with the measure of damages, is the obligation of the insured. Normally, a claim of unmarketability of title or a claim involving a "defect, lien or encumbrance" not excluded from coverage will arise in connection with a proposed sale or loan requiring a review of the insured property as to current marketability. The insured owner, as a potential seller or borrower, may then be placed in the position of being forced or coerced into dealing only with his prior insurer or agent purely as the result of time constraints in meeting the requirements of his transaction, and as the only practical alternative to processing his claim and proving his damage as an insured under his existing coverage. The commissioner is advised and is aware that, in some instances, this circumstance has resulted from the~~ (1) The purpose of this rule is to prohibit intentional delay, neglect or refusal by insurers, through their agents, to record or deliver for recording documentation necessary to support policy insuring provisions, resulting in the false appearance of unmarketability, in the record only, of property which would otherwise be marketable. This practice is deemed to be an unfair or deceptive act or practice detrimental to free competition in the business of insurance and injurious to the public.

(2) This rule applies to all title insurers and producers.

R5902-9914-3. Definitions.

For the purpose of this rule, the ~~commissioner~~Commission adopts the definitions as particularly set forth in Section 31A-1-301 and in addition the following:

A. "Document" means any instrument in writing relating to real property described in any title insurance policy, contract or commitment, and reasonably required for the support of the insuring provisions.

B. "Record" means to cause to be delivered to the county recorder, or other public official as may be appropriate, any document in the possession or control of any title insurance company or title insurance agent for which a request to record has been made by an insured party.

R5902-9914-4. Definition and Classification of Unfair or Deceptive Practices and Material Inducements.

A. Any knowing conduct by a title insurance company or title insurance agent which results in the failure, neglect, refusal to record, or to obtain for recording, any document which, unless recorded, results in the apparent unmarketability of title or a title which may not be insurable by another insurer, is defined as an unfair or deceptive act or practice as prohibited by Section 31A-23a-402.

B. The issuance or agreement to issue title insurance, or the affirmation of current marketability of title, when the possible recording of documents of title has not occurred, and the record does not manifest a title which would be insurable according to generally accepted title insurance standards, is classified and proscribed as an advantage and material inducement to obtaining title insurance business as prohibited under Section 31A-23a-402(2)(c)(i)(D).

R592-14-5. Enforcement Date.

The commissioner will begin enforcing this rule upon the rule's effective date.

R5902-9914-56. Severability.

If any provision or clause of this rule or the application of it to any person or circumstance is for any reason held to be invalid, the remainder of the rule and the application of this provision to other persons or circumstances may not be affected by it.

KEY: insurance law

Date of Enactment or Last Substantive Amendment: 1994

Notice of Continuation: January 27, 2007

**Authorizing, and Implemented or Interpreted Law: 31A-2-201;
31A-23-302**

Dual Licensing / Cort Ashton / 2/10/2011

31A-2-402. Definitions.

As used in this part:

(1) "Commission" means the Title and Escrow Commission created in Section **31A-2-403**.

(2) "Concurrence" means the entities given a concurring role must jointly agree for the action to be taken.

(3) "Dual licensed title licensee" means a title licensee who holds:

(a) a producer license as a title licensee; and

(b) a license or certificate under:

(i) Title 61, Chapter 2f, Real Estate Licensing and Practices Act;

(ii) Title 61, Chapter 2b, Real Estate Appraiser Licensing and Certification Act; or

(iii) Title 61, Chapter 2c, Utah Residential Mortgage Practices and Licensing Act.

(4) "Real Estate Commission" means the Real Estate Commission created in Section **61-2f-103**.

(5) "Title licensee" means a person licensed under this title as:

(a) an agency with a title insurance line of authority;

(b) a producer with:

(i) a general title insurance line of authority; or

(ii) a specific category of authority for title insurance; or

(c) a title insurance adjuster.

31A-23a-402. Unfair marketing practices -- Communication -- Inducement -- Unfair discrimination -- Coercion or intimidation -- Restriction on choice.

...(2) (a) (i) A licensee under this title, or an officer or employee of a licensee may not induce any person to enter into or continue an insurance contract or to terminate an existing insurance contract by offering benefits not specified in the policy to be issued or continued,

including premium or commission rebates.

(ii) An insurer may not make or knowingly allow any agreement of insurance that is not clearly expressed in the policy to be issued or renewed.

(iii) This Subsection (2)(a) does not preclude:

(A) an insurer from reducing premiums because of expense savings;

(B) an insurer from providing to a policyholder or insured one or more incentives to participate in programs or activities designed to reduce claims or claim expenses;

(C) the usual kinds of social courtesies not related to particular transactions; or

(D) an insurer from receiving premiums under an installment payment plan.

(iv) The commissioner may adopt rules in accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act, to define what constitutes an incentive described in Subsection (2)(a)(iii)(B).

(b) A licensee under this title may not absorb the tax under Section **31A-3-301**.

(c) (i) A title insurer or producer or any officer or employee of either may not pay, allow, give, or offer to pay, allow, or give, directly or indirectly, as an inducement to obtaining any title insurance business:

(A) any rebate, reduction, or abatement of any rate or charge made incident to the issuance of the title insurance;

(B) any special favor or advantage not generally available to others; or

(C) any money or other consideration, except if approved under Section **31A-2-405**; or (Dual Licensing Statute)

(D) material inducement.

(ii) "Charge made incident to the issuance of the title insurance" includes escrow charges, and any other services that are prescribed in rule by the Title and Escrow Commission after consultation with the commissioner and subject to Section **31A-2-404**.

(iii) An insured or any other person connected, directly or indirectly, with the transaction, including a mortgage lender, real estate broker, builder, attorney, or any officer, employee, or agent of any of them, may not knowingly receive or accept, directly or indirectly, any benefit referred to in Subsection (2)(c)(i).

The way I read this, is that title companies may not pay any inducement, "directly or indirectly" to obtain "any title insurance business". It also specifically acknowledges that "Dual Licensed" persons may receive permission to be paid by a title insurer or producer, but must receive prior approval from the Commissioner.

Furthermore,

31A-23A-402 says

...(8) (a) A person may not engage in any other unfair method of competition or any other unfair or deceptive act or practice in the business of insurance, as defined by the commissioner by rule, after a finding that they:

(i) are misleading;

(ii) are deceptive;

(iii) are unfairly discriminatory;

(iv) provide an unfair inducement; or

(v) unreasonably restrain competition.

(b) Notwithstanding Subsection (8)(a), for purpose of the title insurance industry, the Title and Escrow Commission shall make rules, subject to Section **31A-2-404**, that define any other unfair method of competition or any other unfair or deceptive act or practice after a finding that they:

(i) are misleading;

(ii) are deceptive;

- (iii) are unfairly discriminatory;
- (iv) provide an unfair inducement; or
- (v) unreasonably restrain competition.

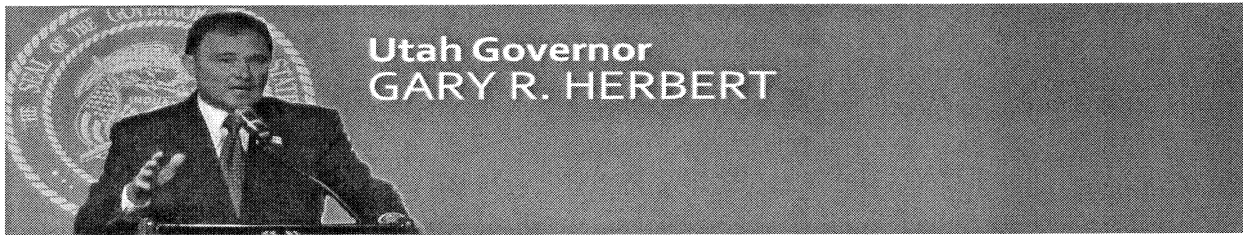
This gives the commission the authority to create a rule further clarifying unfair inducements. As you know, that rule is 592-6. The pertinent paragraph is:

(13) Paying, or offering to pay, either directly or indirectly, salary, commissions or any other consideration to any employee who is at the same time licensed as a real estate agent or real estate broker or as a mortgage lender or mortgage company subject to 31A-2-405 and R592-5.

This rule makes reference to the dual licensing exemption when it cites 31A-2-405 and the rule 592-5 as the exception to the rule. I draw the following conclusions and welcome dissenting opinions.

1. I believe that the 592-5 and 592-6 are consistent with the dual licensing statute. Title companies may not pay a person any incentive, salary, commission or other consideration to licensed realtors, appraisers, or brokers except when specifically authorized by dual licensing approval from the commissioner.
2. The title agent, or "Principal" making payment to the dual licensed person may only make one payment every 18 months. It has been reported that some dual licensed applications have come to the commissioner showing the buyer or seller as the "Principal" paying the compensation. It is highly unlikely that a buyer or seller would contract with a licensed realtor, broker or appraiser to perform title or escrow services. More likely, the title agent is making those payments to the dual licensed person, and showing the seller or buyer as the "Producer" is an abuse of the dual licensing procedure.
3. It does not matter whether payment to a dual licensed person happens on the same transaction. In fact, it may be a conflict of interest for a realtor to act as an agent on a transaction and receive payment on that same transaction. Rather ANY payment to a dual licensed person must be approved in advance.
4. Furthermore, by definition, every payment to a dual licensed person by a title agent or underwriter must be approved by the Commissioner. How can a title agent possibly maintain both active licenses in real estate and title?

5. This rule was clearly written to allow a realtor, broker, or appraiser to provide a bona-fide service to a title company once every 18 months. It is very one-sided and does not allow for title licensed personnel to act as realtors.



Title And Escrow Commission

Department Insurance
 Contact Jilene Whitby/Suzette Green-Wright Phone 801-538-3803
 Code 31A-2-403
 Appointed Members 5 Standing Mem 0
 Authority Policy Term 4 Years
 Political Diversity No Senate Confirmation Yes
 Compensation

Requirements 1) (a) There is created within the department the Title and Escrow Commission that is comprised of five members appointed by the governor with the consent of the Senate as follows:
 (i) four members shall:
 (A) be or have been licensed under the title insurance line of authority; and
 (B) as of the day on which the member is appointed, be or have been licensed with the search or escrow subline of authority for at least five years; and
 (ii) one member shall be a member of the general public.
 (b) No more than one commission member may be appointed from:
 (i) any given county in the state; or
 (ii) any single company.

Membership

[Apply for Appointment to Board](#)

Name	Expires	Position	Qualification
Garry Goodsell	06/30/2011	Member	Appointed by the Governor
Canyon Anderson	06/30/2011	Member	Appointed by the Governor
Dirk Keyes	06/30/2013	Member	Appointed by the Governor
Cortlund Ashton	06/30/2013	Member	General Public--Appointed by the Governor
Jerry Houghton	06/30/2013	Member	Appointed by the Governor

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